

Eric B. Bruce (Admitted *Pro Hac Vice*)
eric.bruce@kobrekim.com
 Michael Ng (Bar. No. 237915)
michael.ng@kobrekim.com
 KOBRE & KIM LLP
 150 California Street, 19th Floor
 San Francisco, California 94111
 Telephone: (415) 582-4800
 Facsimile: (415) 582-4811

Attorneys for Defendants
Alexander J. Hunter and
Thomas E. Hunter

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

SECURITIES AND EXCHANGE
 COMMISSION,

Plaintiff,

vs.

JAMMIN' JAVA CORP., dba
 MARLEY COFFEE, SHANE G.
 WHITTLE, WAYNE S. P.
 WEAVER, MICHAEL K. SUN,
 RENE BERLINGER, STEPHEN B.
 WHEATLEY, KEVIN P. MILLER,
 MOHAMMED A. AL-BARWANI,
 ALEXANDER J. HUNTER, and
 THOMAS E. HUNTER,

Defendants.

Case No. 2:15-CV-08921-SVW-MRW

**JOINT REQUEST TO EXTEND
 TIME TO RESPOND TO FIRST
 AMENDED COMPLAINT;
 DECLARATION OF ERIC B.
 BRUCE IN SUPPORT THEREOF**

*([Proposed] Order and Declaration of
 Eric B. Bruce Filed Concurrently)*

Action filed: Nov. 17, 2015
 Mot. To Dismiss Granted: Jul. 21, 2016
 FAC Filed: Aug. 8, 2016
 Current Response Date: Aug. 25, 2016
 New Response Date: Oct. 31, 2016
 Trial Date: April 25, 2017

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

Defendants Alexander J. Hunter and Thomas E. Hunter (the “Hunters”) and Plaintiff Securities and Exchange Commission (the “SEC”), by and through their respective counsel of record, hereby request as follows:

WHEREAS, the SEC filed its First Amended Complaint (the “Amended Complaint”) on August 8, 2016 (Dkt. No. 121);

WHEREAS, pursuant to Fed. R. Civ. P. 15(a)(3) and 6(d), the Hunters must answer or otherwise respond to the Amended Complaint on or before August 25, 2016;

WHEREAS, there is good cause to extend the Hunters’ response date, as the Hunters have reached a tentative settlement agreement with the SEC, which is currently being finalized and will ultimately require final approval by the Commissioners of the SEC in Washington, DC, a process that may take several more weeks;

WHEREAS, approval of the settlement agreement reached between the Hunters and the SEC will render it unnecessary for the Hunters to respond to the Amended Complaint;

NOW THEREFORE, the Hunters and the SEC respectfully request that the Court enter an order extending the Hunters’ time to respond to the Amended Complaint to October 31, 2016 to allow sufficient time to finalize the tentative settlement agreement.

SO STIPULATED:

1 Pursuant to Local Rule 5-4.3.4(a)(2)(i), I hereby attest that Timothy S.
2 Leiman, counsel for Plaintiff U.S. Securities and Exchange Commission concurs in
3 the content of this filing and has authorized the filing.

4
5 DATED: August 23, 2016

By: /s/ Eric B. Bruce

Eric B. Bruce (Admitted *Pro Hac Vice*)

Michael Ng (Bar. No. 237915)

KOBRE & KIM LLP

1919 M Street, NW

Washington, DC 20036

Telephone: (202) 664-1900

Facsimile: (202) 664-1920

eric.bruce@kobrekim.com

michael.ng@kobrekim.com

*Attorneys for Defendants Alexander J.
Hunter and Thomas E. Hunter*

15
16 DATED: August 23, 2016

By: /s/ Timothy S. Leiman

Timothy S. Leiman

U.S. Securities and Exchange
Commission

Chicago Regional Office

175 W. Jackson Blvd., Suite 900

Chicago, Illinois 60604

Telephone: (312) 353-7390

Fax: (312) 353-7398

leimant@sec.gov

*Attorney for Plaintiff U.S. Securities and
Exchange Commission*

DECLARATION OF ERIC B. BRUCE

I, Eric B. Bruce, declare as follows:

1. I am an attorney licensed to practice in the District of Columbia and the state of New York and am admitted to practice *pro hac vice* before this Court. I am a partner at the law firm Kobre & Kim LLP, counsel for Defendants Alexander J. Hunter and Thomas E. Hunter in the above-captioned action. I have personal knowledge of the facts set forth herein, and if called to testify as a witness thereto, could do so competently under oath;

2. On August 23, 2016, I conferred with Timothy Leiman, counsel for plaintiff the U.S. Securities and Exchange Commission, and we agree that there is good cause to extend Defendants Alexander J. Hunter and Thomas E. Hunter's response date to October 31, 2016 so that Defendants' counsel may have time to complete the settlement process.

Executed on August 23, 2016 in Washington, D.C., District of Columbia

/s/ Eric B. Bruce

Eric B. Bruce